

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

JUE ZHANG)
Plaintiff)
)
v.) CIVIL ACTION NO. 04-12735-PBS
)
SHRAGA N. GOLDBERG, M.D.)
Defendant)
)

LOCAL RULE 16.1 JOINT STATEMENT

I. Rule 26(F) Conference

Pursuant to Federal Rule of Civil Procedure 26F and Local Rule 16.1(B), counsel participated in a telephone conference on August 15, 2005, to discuss discovery issues in this matter. Participants in the conference were:

Zachary B. Lang, Esq. for Plaintiff, Jue Zhang
Jennifer Boyd Herlihy, Esq. for the Defendant, Shraga Goldberg, M.D.

II. Pre-Discovery Disclosure

The parties will exchange by 10/16/2005 the information required by Fed. R. Civ. P. 26(a)(1) and Local Rule 16.2.

III. Discovery Plan

A. PHASE I: For Developing Information Needed For A Realistic Assessment Of Case, The Parties Jointly Propose To The Court The Following Discovery Plan:

1. Discovery will be needed on the following subjects:

- a. Plaintiff, Jue Zhang's medical history.
- b. Plaintiff, Jue Zhang's current medical status
- c. Complex medical issues involving causation and standard of care
- d. Shraga Goldberg, M.D.'s care relative to Ms. Zhang

2. All discovery to be completed by 9/1/2006.

3. Maximum of 40 interrogatories by each party to any other party. Response due in 45 days after service.
4. Maximum of 10 requests for admission by each party to any other party. Responses due 30 days after service.
5. Maximum of 10 depositions by plaintiffs and 10 by defendants. Keeper of the Records depositions are not included in this category. Based upon reasonable information discovered at deposition, additional depositions may become necessary.
6. Responses to First Request for Production of Documents by 30 days after service.
7. Reports from retained experts under Rule 26(a)(2) due:
From plaintiffs by 10/01/2006
From defendant by 11/01/2006

IV. Other Items

1. The parties request a Pre-Trial Conference in April, 2007
2. Plaintiffs should be allowed until 12/16/2005 to join additional parties and until 12/16/2005 to amend the pleading.
3. Defendant should be allowed until 1/16/2006 to join additional parties and until 1/16/2006 to amend the pleading.
4. All potentially dispositive motions should be filed by 09/30/2006
5. Settlement can be evaluated at anytime.

B. PHASE II: For Information Needed To Prepare For Trial

1. Deposition of experts must be completed by 03/16/2007.
2. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due at the time of the Pre-Trial Conference:
3. Parties should have 10 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
4. The case should be ready for trial by 9/1/2007 and at this time it is expected to take 6 trial days.

5. The parties do not consent to a trial by a magistrate judge at this time.

V. Settlement Proposals

In compliance with Local Rule 16.1, counsel for both parties have conferred with respect to settlement before the scheduling conference and have been unable to reach an agreement.

VI. Certification of Parties and Their Counsel

The parties and their counsel herein certify that they have conferred with a view to establishing a budget for the costs of conducting the full course, and various alternative courses, of this litigation, and they have considered and discussed the resolution of this litigation through the use of alternative dispute resolution programs as outlined in Local Rule 16.4.

Date: August 16, 2005

/s/ Barry D. Lang

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